

Serial No.: 10/735,933
Attorney Docket No.: F-733

Patent

REMARKS

1. Status of Claims

Claims 1-57 were pending in the Application. Applicants have amended claims 2, 24, 27, 31, 32, 54 and 55 and canceled claim 30 without prejudice or disclaimer. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 1-29 and 31-57 will remain pending in the application.

2. Rejections under 35 USC § 102(b)

In section 2 of the Office Action, the Examiner rejected Claims 1, 30, 31 and 55 under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 6,259,369 to Monico ("Monico '369").

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have canceled claim 30 and amended claims 31 and 55 without prejudice or disclaimer. Thus, the rejection is moot as to those claims.

With regard to claim 1, Applicants submit that the state "never open" is not inherent in the cited reference as stated by the Examiner. For example, if the item is opened during transport, there would be no indication that the tag would report any state regarding opened or closed. For prior art to include an element by inherency, it must necessarily include the element. Here, the prior art does not contemplate and surely does not necessarily include a "never opened state" indication. Accordingly, the status indication is not inherent in the prior art. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 31 and 55.

3. Rejections under 35 USC § 103(a)

In section 5 of the Office Action, the Examiner rejected Claims 26, 54, 56 and 57 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,259,369 to Monico ("Monico '369") in view of apparent official notice.

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Applicants respectfully traverse the rejection. Applicants respectfully submit that the cited prior art is not properly combined. Applicants respectfully submit that it is not clear what is being taken by official notice and applicants therefore refute the statements. Applicants do not dispute that scanning barcodes or manually inputting data are well known, but do not admit that any such combination is proper.

However, solely in order to expedite prosecution, Applicants have amended claims 32 and 54 and the rejection is moot as to claims 54, 56 and 57.

With regard to claim 26, Applicants respectfully submit that the claim is patentable for at least the same reason as described above with respect to claim 1.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 26, 54, 56 and 57.

4. Allowable Subject Matter

In section 6 of the Office Action, the Examiner indicated allowable subject matter but objected to claims 2-24, 27-29 and 32-53 as dependent upon a rejected base claim. Accordingly, Applicants have amended claims 2, 24, 27, 31, 32, 54 and 55 and submit that claims 2-25, 27-29, and 31-57 are directed to subject matter indicated as allowable and in condition for allowance.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection and submit that the invention as presently claimed in claims 1-29 and 31-57 is patentable and in condition for allowance.

5. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

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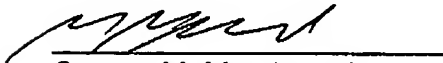
If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

6. Authorization

No fee is believed due with this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-733.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-733.

Respectfully submitted,



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